

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	BANKRUPTCY NO. 19-24723-CMB
	:	
Judith Healey,	:	CHAPTER 13
	:	
Debtors	:	DOCKET NO. 32
	:	
Judith Healey,	:	
	:	HEARING DATE AND TIME:
Movant	:	November 19, 2024 at 1:30 PM
	:	
v.	:	
	:	
Merrick Bank,	:	
	:	
Respondent	:	
	:	
And	:	
	:	
Ronda J. Winnecour, Esquire	:	
Chapter 13 Trustee	:	
Additional Respondent	:	

OBJECTION TO PROOF OF CLAIM 1-1 FILED BY MERRICK BANK

AND NOW comes the Debtor, Judith Healey, by and through her attorney, Lawrence W. Willis, Esquire of Willis & Associates, and files the within Objection to Proof of Claim 1-1 Filed by Merrick Bank and in support of averts as follows:

1. The Debtor is Judith Healey, an adult individual presently residing at 8065 Bull Creek Road, Tarentum, PA 15084.
2. The Debtor is the Movant in the above-captioned bankruptcy case.
3. Respondent, Merrick Bank is a financial lending institution existing under the laws of South Carolina, and at all times relevant hereto, was doing business in the Western District of Pennsylvania and utilized the mailing address of PO Box 10368, Greenville, SC 29603-0368.

4. The Debtor commenced this case on December 6, 2019 by filing a voluntary petition for relief under chapter 13 of Title 11 of the United States Code.
5. On or about December 31, 2019, the Respondent filed with this Court a Proof of Claim alleging that the debt owed by the Debtor is for Credit Card Purchases in the total amount of One Thousand Seventy Two Dollars and Forty Nine Cents (\$1,072.49). A copy of the Respondent's Proof of Claim is attached hereto and marked as Exhibit "A".
6. This claim is objectionable because the date of last activity on the account pre-dates the petition date by more than four years, i.e., the statute of limitations in Pennsylvania. See 42 Pa.C.S. Section 5525. The last activity on the Account was January 24, 2001.
7. The Proof of Claim filed by the Respondent should be denied and dismissed.

WHEREFORE, the Debtor prays that this Court enter an order for the following:

- A. Holding that the claim of Merrick Bank be denied and dismissed.
- B. For such additional or alternative relief as may be just and proper

Respectfully submitted,

Date: October 4, 2024

By: /s/ Lawrence Willis Esquire
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